

1 Judge Pechman
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA, }
10 Plaintiff, }
11 v. }
12 JESSICA CAROTHERS, }
13 Defendant. }

NO. CR04-240 MJP

ORDER CONTINUING
TRIAL DATE

14 This matter having come before the undersigned Court by stipulation and
15 motion of counsel, the United States through the United States Attorney for the
16 Western District of Washington, Susan M. Roe, Assistant United States Attorney
17 for said district, and the defendant through counsel, Gilbert Levy, the Court being
18 fully advised in the matter, now finds that

19 The joint motion is made because this matter appeared to have been
20 resolved several times before failing to resolve, there is a pending substantive
21 motion before the Court, and the trial and witness schedules of counsel and the
22 Court dictate a trial date in January of January 23, 2006. The trial was scheduled
23 for November 14, 2005.

24 The Court is aware that time limitations for trial and speedy trial concerns
25 are set forth in Title 18, United States Code, Section 3161.

26 Section 3161(h) outlines the periods of excludable time, including:

27 (8)(A) Any period of delay resulting from a continuance
28 granted by any judge on his own motion or at the

1 request of the defendant or his counsel or at the request
2 of the attorney for the Government, if the judge granted
3 such continuance on the basis of his findings that the
4 ends of justice served by taking such action outweigh
5 the best interest of the public and the defendant in a
6 speedy trial. No such period of delay resulting from a
7 continuance granted by the court in accordance with this
8 paragraph shall be excludable under this subsection
9 unless the court sets forth, in the record of the case,
10 either orally or in writing, its reasons for finding that the
11 ends of justice served by the granting of such
12 continuance outweigh the best interests of the public
13 and the defendant in a speedy trial.

14
15 In this matter, the Court finds that further time is reasonable and necessary
16 as the requested time is within the speedy trial time period. Further, that the ends
17 of justice, especially those which deal with consideration of witnesses, are served
18 by the requested continuance as this Title 21 trial has few civilians witnesses and
19 no known victims. Therefore, the trial date is continued until January 23, 2006
20 and the time between November 14, 2005 and January 23, 2006, is excludable
21 time under the Speedy Trial Act.

22 Dated this 29th day of November, 2005.

23
24 /S/Marsha J. Pechman
25 MARSHA J. PECHMAN
26 United States District Court

27 Presented by:

28
29 s/Susan M. Roe
30 SUSAN M. ROE
31 Assistant United States Attorney
32 WSBA 13000
33 United States Attorney's Office
34 700 Stewart Street, Suite 5220
35 Seattle, WA 98101-9309
36 Telephone: 206/553-1077
37 Fax: 206/553-4440
38 E-mail: susan.roe@usdoj.gov